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30 31 32 BILL NO. G- 78-10-4/ as General on Decenter 5,1978-

GENERAL ORDINANCE NO. G-34-

AN ORDINANCE amending Chapter 15 of the Code of the City of Fort Wayne, Indiana of 1974.

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 15-13 "Employment under Municipal Contract", Article III, Chapter 15 of the Code of the City of Fort Wayne, Indiana of 1974 is amended to be and read as follows, to wit:

"Sec. 15-13 Same - Under Municipal Contract.

15-13-1 Definitions. As used in this Section, the following words have these meanings:

- a. The terms "discriminates", "discriminating", "discriminatory" mean and include:
 - (1) to promote segregation or separation in any manner, to treat any person differently, or to exclude from or fail or refuse to extend to any person equal opportunities with respect to hiring, termination, compensation, or other terms, conditions or privileges of employment, because of the race, religion, sex, color, national origin or handicap of any such person;
 - (2) also, to fail to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped employee;
 - (3) also, to fail to make reasonable accommodation to the religious observance or practice of any employee or prospective employee unless the employer can demonstrate that the accommodation would impose an undue hardship on the conduct of the employer's business:
 - (4) also, to make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement with respect to employment that indicates a preference, limitation, specification or discrimination based on race, sex, religion, color, national origin or handicap;
 - (5) the following practices are \underline{not} included in the meaning of "discrimination":
 - (a) for any not-for-profit association, incorporated or otherwise, organized exclusively for fraternal or religious purposes, to devote its resources to its own religion or denomination, or to give employment preference to its own members;

(b) for any not-for-profit association, incorporated or otherwise, established for the purpose of offering or providing education, training or other social services and benefits to handicapped persons, to devote its resources to such handicapped persons or to give a preference to handicapped persons with respect to such education, training or social services and benefits.
b. The term "handicap" means and includes:
(1) any physical or mental impairment which substantially limits one or more of a person's major life activities; or
(2) a record of such an impairment, and includes;
(3) a person who is regarded as having such an impairment; provided that,

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- (4) this term does not include drug or alcohol abuse or addiction.
- c. The term "Obstruct" means and includes the actions of any person knowingly obstructing the fair and lawful enforcement of this Article of this Chapter by coercing or intimidating any complainant or prospective complainant, or any witness to any act of discrimination as defined herein, after such person has received actual notice of a discrimination charge or has been served notice of a complaint filed.
- d. The term "retaliate" means and includes the actions of any person in discriminating against any other person with regard to, or denying any other person access to or opportunities in employment, because any such other person has opposed any practice made unlawful by this Article of this Chapter, or because such other person has made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this Article of this Chapter.

15-13-2 Mandatory Covenants. Every contract for or on behalf of the City of Fort Wayne for the construction, alteration or repair of any public building or public work or the performance of any other work or service shall contain provisions by which the contractor agrees, as follows:

- a. That in the performance of work under such contract or any subcontract thereunder, the contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor, will not discriminate against any person who is qualified and available to perform the work to which the employment relates.
- b. That such contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor will not obstruct the enforcement of this Article of this Chapter.
- c. That such contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor will not retaliate against any person.

15-13-3 Enforcement. Enforcement of this Article of this Chapter shall be through order of the Board of Public Works, in the following manner:

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- a. Whenever any member of the Board of Public Works, or whenever the Affirmative Action Officer who is assigned to help watch over public contracts has reason to believe that any of the provisions hereof have been violated, the matter may be referred to the Metropolitan Human Relations Commission for investigation and initiation of discrimination charges against the contractor or subcontractor. Cases over which the Commission has no jurisdiction shall be investigated by said Affirmative Action Officer.
- b. A final order of the Metropolitan Human Relations Commission shall be forwarded to the Board of Public Works, which may invoke one of the remedies set forth in Sub Section 15-13-4 hereof. If it is a matter over which the Metropolitan Human Relations Commission has no jurisdiction, the Board of Public Works shall conduct a hearing to determine whether there has been a breach of this Article of this Chapter. In so doing, the Board may call upon the Commission for consultation.

15-13-4 Remedies. Upon finding that a contractor or sub-contractor or any person acting on behalf of such contractor or subcontractor has violated a provision or provisions of this Article of this Chapter, whether discriminating, obstructing, retaliating, or otherwise, the Board of Works may:

- a. Deduct from the amount payable to the contractor by the City of Fort Wayne under such contract a penalty of no less than ten dollars (\$10.00) per day, per violation, nor more than one thousand dollars (\$1,000.00) per day, per violation. Each day on which a continuing violation exists, shall be deemed a separate offense; or,
- b. The Board of Works may cancel or terminate the contract, and all money due or to become due thereunder may be forfeited what even to be the full of the Code SECTION 2. That Chapter 15, Article III, of the Code

of the City of Fort Wayne, Indiana of 1974 is further amended by adding thereto a new section 15-13A, which shall be and read as follows, to wit:

"Sec. 15-13A. A verbatim copy of Sec. 15-13 may be attached as an exhibit to and incorporated in and made a part of any contract made by or on behalf of the City of Fort

Wayne, Indiana for any public work; which shall constitute compliance with Sec. 15-13-2."

SECTION 3. That General Ordinance No. 60-66, heretofore adopted on May 10, 1966 is hereby repealed.

SECTION 4. That this Ordinance shall be effective upon passage, approval by the Mayor, and due legal publication hereof.

John Suckols

Approved as to form and legality this 23 day of October, 1978.

John H. Logan, Attorney for Common Council

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Amendment to Bill No. G-78-10-41 on December 5, 1978

Page 3 -- Line27 add -- "for a second or any subsequent violation of this article of this Chapter."



Bill No. G-78-10-41 (60 anender)
REPORT OF THE COMMITTEE ON PUBLIC WORKS
We, your Committee onPublic Works to whom was referred an Ordinance
amending Chapter 15 of the Code of the City of Fort Wayne,
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emendment idd- page 3- Line 27- for a second or my subquent violatini of this article of this Chapter
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have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance PASS. (Nation and
JOHN NUCKOLS - CHAIRMAN Alm / Level del
PAUL M. BURNS - VICE CHAIRMAN
WINFIELD C. MOSES, JR.
DONALD J. SCHMIDT
JAMES S. STIER Jones 18th
12-12-71 CONCURS IN
CHARLES W. LESTEN HI, COM CLERK

DATE



City Clerk Memorandum CHARLES W. WESTERMAN, Clark

Steven Hill - Director of CD&P

Date 12/4/78

From Charles W. Westerman - City Clerk

Subject

Appearance before Common Council 12/5/78

COPIES TO:

BILL NO. G-78-10-41

AN ORDINANCE amending Chapter 15 of the Code of the City of Fort Wayne, Indiana of 1974

Pursuant to the request of the Standing Committee Chairman of Public Works of the Common Council, the presence of a member of your department familiar with the above ordinance is respectfully requested on December 5, 1978, 7:30 P.M., Room 128, Common Council Conference Room.

Your cooperation will be greatly appreciated.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING . ONE MAIN STREET . FORT WAYNE INDIANA 46802

room 122

charles w. westerman, clerk

December 28, 1978

Ms. Virginia Grace Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, Indiana 46802

Dear Ms. Grace:

Pleaægive the attached full coverage on the dates of January 2 and January 9, 1979, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, Indiana

Zoning Map Ordinance :

Bill No. Z-78-10-33 Zoning Map Ordinance No. Z-29-78

"Employment under Municipal Contract" General Ordinance No. G-34-78 (as amended) Bill No. G-78-10-41 (as amended)

Please send us(10) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman

City Clerk

CWW/ne ENCL: 1



LEGAL NOTICE

Notice is hereby given that on the 12th day of December, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-78-10-33 -- Zoning Map Ordinance No. Z-29-78, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-2.

Notice is hereby given that on the 12th day of December, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-78-10-41 (as amended) -- General Ordinance No. G-34-78 (as amended), being AN ORDINANCE amending Chapter 15 of the Code of the City of Fort Wayne, Indiana of 1974.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. z-78-12-33 -- Zoning Map Ordinance No. z-29-78, and Bill No. G-78-10-41 (as Amended) -- General Ordinance No. G-34-78(as amended), were passed by the Common Council on the 12th day of December, 1978, and said Ordinances were duly signed and approved by the Mayor on the 20th day of December, 1978, and now remains on file and on record in my office.

Copies of said Bill No. Z-78-10-33 -- Zoning Map Ordinance No. Z-29-78, and Bill No. G-78-10-41 (as amended) -- General Ordinance No. G-34-78 (as amended), will be posted in the following places in Fort Wayne, Allen County, Indiana.

- (1) The main floor lobby of the City-County Building
- The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- The bulletin board in the lobby at the East door of the Allen County Court House

Ocpies of said Bill No. Z-78-10-33 -- Zoning Map Ordinance No. Z-29-78, and Bill No. G-78-10-41 (as Amended) -- General Ordinance No. G-34-78 (as amended), will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

- The Reference Room in the north end of the main floor in said Downtown Public Library
- The Journal of the Common Council Proceedings (2) in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana Pharles W. Westerman

Charles W. Westerman City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fufilled and posted the above ordinances in the designated places as stated above Physics W. Westerman on January 2, 1979.

> Charles W. Westerman City Clerk

9th

29, 1979

Sapyember

Subscribed and sworn to before me this

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My commission expires SFP 2.8.1979

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00.07° 00.041°	that she is	CLERK	of the	
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02.4712 00.6452	aDA	ILY news	paper of general circulation printed and published	
05.692° 00.953° CODA OE	in the English language	town of FORT WA	YNE, INDIANA	
05'2471, 00'5647, MENT HERE	in state and county	aforesaid, and that the printe	ed matter attached hereto is a true copy,	
00.052° 00.0682°	which was duly publish as follows:	ed in said paper for	nes ,,the dates of publication being	
12 The Journ Par fine Posmining	as follows;	1/2-9/79	STORE OF THE PARTY	
Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana. Room 122, City-County Building, Fort Wayne, Indiana.		0	· D V	
Charles W. Westerman City Clerk		au U	wills to told	
the City of Fort Wayne, Indiana, ful- filled and posted the above ordi- nances in the designated places as	Subscribed and sworn to	before me this 9th	Howary 10 79	
stated above on January 2, 1979. Charles W. Westerman City Clerk		CED 0 0 1070	Notary Public	
1-2-9 City Clerk	My commission expires	SEP 28 1979	V	